

## Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 L-03 CIAE-00 PM-04 INR-07 ACDA-07

NSAE-00 PA-01 SS-15 PRS-01 SP-02 USIA-06 TRSE-00

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R 230540Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

INFO USMISSION NATO

AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY PARIS

CINCEUR

DOSOUTH

USNMR SHAPE

C O N F I D E N T I A L STATE 182560

E.O. 11652: GDS

TAGS: MASS, MPOL, EAID, US, TU, NATO

SUBJECT: FY 1976-77 FOREIGN ASSISTANCE LEGISLATION FOR  
TURKEY -- THIRD PARTY TRANSFERS

REF: A) ANKARA 5513; B) STATE 177488; C) STATE 270480,  
14 NOV 75 (NOTAL)

1. RESTRICTION ON THIRD PARTY TRANSFERS PER PARA 4 REF B,  
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WHICH EFFECTIVELY PLACES THIRD PARTY SALES OF FMS-PROVIDED

EQUIPMENT TO TURKEY WITHIN \$125 MILLION FMS CEILING ESTABLISHED BY CONGRESS FOR FY 76 AND 77, IS ESSENTIALLY SAME AS THAT APPLIED AFTER OCTOBER 6, 1975 WHEN CONGRESS, INTER ALIA, LIFTED RESTRICTIONS ON PIPELINE MATERIEL TO GOT (REF C). AT THAT TIME, FRG TRANSFER OF TF-104G'S, ORIGINALLY PROVIDED TO FRG BY US UNDER FMS PROGRAM, WAS NOT CONSIDERED PERMISSIBLE UNDER PROVISIONS OF S.2230. IN PRESENT CASE, STATUTE PERMITS PRESIDENT TO SUSPEND SECTION 620(X) ONLY TO ALLOW FMS SALES OF NO MORE THAN \$125 MILLION IN FY 76 AND TRANSITION QUARTER, AND IN FY 77. AS THERE IS NO AUTHORITY TO MAKE DIRECT FMS SALES BEYOND \$125 MILLION CEILING, UNDER LAW APPLICABLE TO THIRD PARTY TRANSFERS THERE IS NO AUTHORITY TO CONSENT TO TRANSFERS THAT WOULD CAUSE CEILING TO BE EXCEEDED.

2. (BEGIN FYI: DURING CONGRESSIONAL CONSIDERATION OF

FY 76-77 LEGISLATION, A NUMBER OF ATTEMPTS (NOT ON THE RECORD) WERE MADE TO TIGHTEN PROVISIONS OF SECTION 620(X) THAT WOULD HAVE REIMPOSED COMPLETE BAN ON FMS TRANSACTIONS WITH TURKEY. WE WERE SUCCESSFUL IN WARDING OFF THESE ATTEMPTS BUT COULD NOT PERSUADE CONGRESS TO BE MORE FORTHCOMING THAN ALLOWING SUSPENSION OF SECTION 620(X) TO PERMIT UP TO \$125 MILLION IN FMS FOR EACH YEAR. END FYI)

3. SHOULD TURKS IN FUTURE RAISE ISSUE OF CONTINUED RESTRICTIONS ON THIRD PARTY TRANSFERS, YOU SHOULD MAKE POSITIVE POINTS AS FOLLOWS: A) AUTHORITY FOR PRESIDENTIAL SUSPENSION OF PROVISIONS OF SECTION 620(X) WAS MAJOR ACCOMPLISHMENT IN ITSELF GIVEN SENTIMENT OF SOME MEMBERS OF CONGRESS FOR APPLICATION OF EVEN TIGHTER RESTRICTIONS. B) NO PROHIBITION IS PLACED ON COMMERCIAL SALES OR UPON OUR ABILITY TO CONSENT TO TRANSFERS BY THIRD PARTIES OF EQUIPMENT OF COMMERCIAL ORIGIN OR EQUIPMENT MANUFACTURED ELSEWHERE UNDER COMMERCIAL MANUFACTURING LICENSE, SUCH AS F-104'S MANUFACTURED IN FRG. C) WE LOOK TO CONGRESSIONAL APPROVAL OF DCA AS BEST CHANCE FOR REMOVING REMAINING LIMITATIONS AND, GIVEN CURRENT STATE OF PLAY HERE, WE WOULD NOT WISH TO RISK UNFAVORABLE REACTION IN CONGRESS BY AGREEING TO TRANSACTIONS THAT WOULD BE VIEWED AS CONFIDENTIAL

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CLEAR ATTEMPT TO EVADE SPIRIT OF LAW. ROBINSON

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
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